

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

**ORDER**

**12-CR-577 (NGG)**

CURTIS KING,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

On December 6, 2016, this court denied Defendant Curtis King's pro se motions to amend his judgment to recommend that Defendant receive credit for time he spent at the Metropolitan Detention Center ("MDC"). (Order (Dkt. 41).) On January 10, 2017, the court received a letter from Defendant, again requesting that the court amend the judgment so that he receives credit for the 27 months he spent at the MDC. (Def. Ltr. (Dkt. 42).) To the extent that Defendant's letter seeks reconsideration of the court's December 6, 2016 Order, that request is DENIED as Defendant has not advanced any new legal grounds or facts that justify reconsideration.

Should Defendant wish to judicially challenge the Federal Bureau of Prisons's calculation of his credit for prior custody, he should file a petition for writ of habeas corpus under 28 U.S.C. § 2241 in the District of New Jersey. See United States v. Vittini-Morey, No. 99-CR-893 (SAS), 2007 WL 510095, at \*2 (S.D.N.Y. Feb. 15, 2007) (holding that an inmate's challenge to the execution of his sentence is properly brought pursuant to a writ of habeas corpus "in the district in which the petitioner is incarcerated, not the district in which petitioner was sentenced"). (See Dec. 2, 2016, Gov't Ltr. (Dkt. 40) at 1 (reporting that Defendant is presently incarcerated in New Jersey).) Insofar as Defendant seeks to raise a claim

of ineffective assistance of counsel and collaterally attack his sentence,<sup>1</sup> such claim should be raised in a petition for writ habeas corpus under 28 U.S.C. § 2255 filed in this court. See Massaro v. U.S., 538 U.S. 500, 504 (2003) (holding that “an ineffective-assistance-of-counsel claim may be brought in a collateral proceeding under § 2255, whether or not the petitioner could have raised the claim on direct appeal”). Defendant may contact the court’s Pro Se Office for assistance with this filing.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Defendant at his last known address: FCI Fairton, Federal Correctional Institution, P.O. Box 420, Fairton, NJ 08320.

SO ORDERED.

Dated: Brooklyn, New York  
August 1, 2017

s/Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge

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<sup>1</sup> Defendant asserts that he was told by his lawyers that he would receive credit for his time at the MDC. (Def. Ltr.)